

Remarks

Reconsideration and removal of the grounds for rejection are respectfully requested. Claims 19-35 were in the application, claims 19, 23, 26, 31, 32 and 35 have been amended. Three replacement sheets are also enclosed which replace original Figures 1-3. A Substitute specification is being filed herewith under separate cover.

In the Final Rejection, the examiner noted several discrepancies in the drawings which have been corrected in the replacement sheets. For example, the figures have been put upright, and a line added showing the view taken from Fig. 2 which is presented as Figure 1. The dual reference to certain characters has been corrected. It appears the references to fixing means were incorrect, which lead to the confusion as to numbers 14 and 15. Also, a reference number has been added to show in the drawing the trap, as specified in the specification which has correspondingly been amended as follows: "the recess between the tubular body 11 and the inside wall of the tubular case forms a sort of trap 21..". As this was described in the specification, no new matter is involved in this amendment.

For clarity, a reference number has also been assigned to the trumpet shaped flange 11a, as described on original page 3, lines 24-25. This paragraph states that the flange now labeled as 11a is similar in shape to "a trumpet", as in the musical instrument. This passage, among others, was clarified in the substitute specification as discussed further below.

In response to the Examiners' objection to the specification, it became evident that the specification was a poor translation from a foreign language, which reduced the clarity of the description. So as to avoid any uncertainty, a substitute specification is enclosed which corrects many obvious grammar, syntax and translation errors (i.e. "parts" where "organs" was the translation, or "size" where "fit" was the translation, as examples). The number of amendments necessitated that a substitute specification be presented. Consequently, a copy of the original specification and abstract are enclosed showing the changes made by way of underlining additions and cross-out of deletions, together with a clean copy of the substitute specification. A cover letter accompanies the substitute specification which includes the required statement that there is no new matter presented.

In the rejection, paragraph 8.f., the examiner objected to the word "ogive". That actually is the correct word. "Ogive" means "arch shaped", and so the term "a truncated ogive shape" means an arch with a vertex portion removed.

In view of the above amendments, it is believed the objections to the drawings and specification have been rendered moot, as well as the rejection under 35 USC 112, second paragraph.

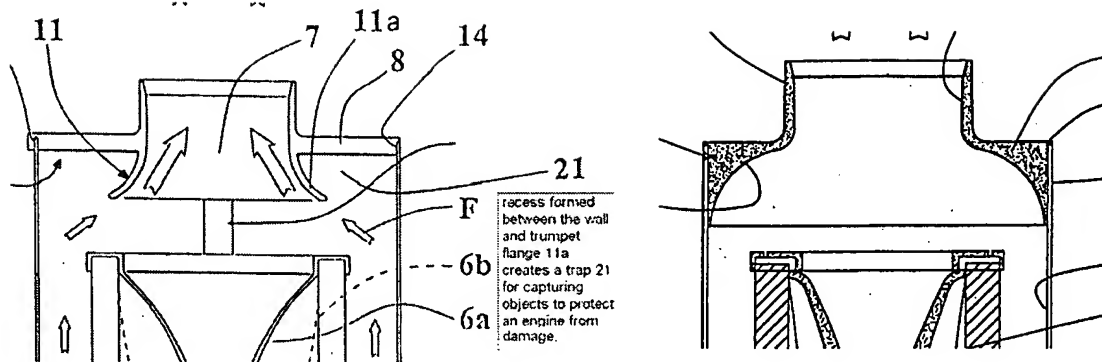
As to the rejection under 35 USC 112, first paragraph, the language "so as to surround" a lower inlet opening, has been removed and instead claim 19 now recites "so as to receive an air flow from a lower air inlet opening (5) provided in a lower opening (9) of the case (2)". This amendment is fully supported by the specification and drawings, and so this rejection is also believed to be moot.

Claims 19-21, 23-27 and 29-34 were rejected as being anticipated by Bergami WO 01/43852.

"The term "anticipation" in patent usage means that the invention was previously known to the public; that is, that it previously existed in the precise form in which it is claimed, including all of the limitations in the claim." SmithKline Beecham Corp. v. Apotex Corp., 439 F.3d 1312, 1324 (Fed. Cir. 2006) (Emphasis Added.)

"A claim cannot be 'anticipated' by prior art that does not have all of the limitations in the claim." Helifix Ltd. v. Blok-Lok, Ltd., 208 F.3d 1339, 1346 (Fed. Cir. 2000) SmithKline Beecham Corp. v. Apotex Corp., 439 F.3d 1312, 1324 (Fed. Cir. 2006).

Claim 19 as amended clearly recites that the outlet means has "a trumpet shaped tubular body (11) projecting inwardly from the outlet means into an interior volume of the tubular case, and defining a recess forming a trap (21) between the trumpet shaped tubular body and an inside wall of the tubular case, the trap (21) capturing objects downstream of the filtering element to prevent transport of the objects with the filtered air..". (See spec. pg. 4, line 28-31, and illustrated here:



It is clear that all the elements of claim 19 are not found in Bergami, precisely as presented in claim 19. In fact, there is no discussion in '852 about the outlet, and it is readily apparent that there is no recess forming a trap, and any objects could clearly continue on with the air flow into the engine.

Consequently, claim 19 and the claims depending therefrom are not anticipated thereby.

Claims 22 and 28 were rejected as being obvious over Bergami '852.

Claims 22 and 28 depend from and contain all the limitations of claim 19 therein. In particular, claim 19 describes the trap 21 located between an inner end of the trumpet body and the casing wall, as illustrated above. On the other hand, Bergami '852 has no such trapping zone, nor would it be obvious to incorporate such a trapping zone in the device of Bergami '852. In fact, by its' very shape, Bergami '852 teaches away from the present invention. Note the smooth transition in the prior art device, which with a low resistance filter is what would be expected by one skilled in the art. On the other hand, the applicants' invention adds additional structure that enters into the air flow and one skilled in the art would believe that to contrary to what should be done in a low resistance air filtering device. Consequently, since one is lead away from, not towards the applicants' invention, claims 22 and 28 are believed to be patentable over the cited art.

Claims 35 and 36 were rejected as being obvious over Bergami '852 in view of Dudrey, U.S. Patent no. 5,669,949. Neither Bergami '852 nor Dudrey disclose, or describe the structures for forming the trap 21 of claim 19. In addition, the reference to element 12 in Dudrey is incorrect. Figure 1 shows a filtering element alone, not in a casing, and so no spacer is provided between the filtering element and the casing. As stated in the Dudrey Patent:

"Still referring to FIG. 1, for the particular arrangement shown, internal element or cartridge 1 comprises a generally cylindrical construction defining an inner or internal chamber or bore 11 with opposite ends. End cap 3 is an open end cap, and thus includes bore 12 for air flow communication from internal bore 11."
(col. 8, l. 34-39)

Consequently, claims 35 and 36 are not rendered obvious over the combination.

Based on the above amendments and remarks, claims 19-35 are believed to be patentable over the prior art. However, should the examiner believe that minor amendments may place the application in condition for allowance, the examiner is invited to telephone the undersigned at the number indicated below so as to enter these by examiners' amendment.

Respectfully submitted,

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